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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scott Baggs

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EXAMINER

YAM, STEPHEN K

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,900

Applicant(s)

BAGGS, SCOTT

Examiner

Stephen Yam

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-39 is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-34, 36, 40-43, 45-72, 74 and 75 is/are rejected.
- 7) ☒ Claim(s) 14, 35, 44, 73, 76 and 77 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on July 27, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection (for Claim 15) is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:


DAVID PORTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Claim Objections

2. Claims 37, 38, and 76 are objected to because of the following informalities:

In Claim 37, line 11, "the information" lacks proper antecedent basis.

In Claim 37, line 12, "the sensor" lacks proper antecedent basis.

In Claim 38, lines 2-3, "the platen" lacks proper antecedent basis.

In Claim 38, line 3, "the information" lacks proper antecedent basis.

In Claim 76, line 2, "a flap" lacks proper antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 8, 16, 17, 26, 32, 40-43, 55, 56, 59, 64, 70, and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Onoda US Patent No. 6,433,941.

Regarding Claim 1, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a space-saving scanner assembly, comprising a housing (30) having a substantially vertical source-contact surface (10) with a member (21) forming a channel (along (21a) bounded by (21a), (24), and (10)) that protrudes from the housing (see Fig. 2B), said member having a first side (24) that is substantially parallel to, and opposed from, said source-contact surface, said member having a second side (21a) substantially orthogonal to the first side (see Fig. 2B), wherein the member extends to an exterior surface of said housing (see Fig. 2B), and a flap (40) coupled to the source-contact surface (see Fig. 3 and 6), the flap having a source-backing surface (facing (10)) substantially parallel to the source-contact surface of the housing (See Fig. 4), wherein the source-contact surface, the source-backing surface, and the first and second sides of the member

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form an aperture (gap bounded by (40), (10), and (21)- see Fig. 6) for receiving an edge (edge of (P) contacting (21a) in Fig. 2B) of a source (P) to be scanned (see Fig. 2B).

Regarding Claim 2, Onoda teaches a portion of the vertical source-contact surface of the housing comprises a platen (10) to permit scanning of a source document in a vertical position (see Fig. 2B and 3).

Regarding Claim 8, Onoda teaches the platen having an upper edge (top edge in orientation in Fig. 8), an opposing lower edge (bottom edge in orientation in Fig. 8), a front edge (forward edge in orientation in Fig. 8) relatively coexistent with a front panel of the housing and a distal edge (rear edge in orientation in Fig. 8) and wherein said member is adjacent to the lower edge of the platen (see orientation of Fig. 2B, 3, 6, and 8).

Regarding Claim 16, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a space-saving scanner assembly, comprising means (30) for housing an optical scanning means (U) (see Fig. 7), and means (21, 40, 10) for forming an aperture (between (21a), (40), and (10)- see Fig. 2B and Fig. 6) configured to closely receive a leading edge (vertical edge) (see Fig. 2B) of a source (P), such that the source can be spatially arranged with the optical scanning means without adjusting the aperture (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source), the source being supported along a horizontal edge (edge of (P) contacting (21a) in Fig. 2B) different from the leading edge of said source along a channel means (21a) (see Fig. 2B).

Regarding Claim 17, Onoda teaches a source retaining means (24) (see Fig. 2B) of said channel means extends vertically from a base (21a) of said channel.

Regarding Claim 26, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a space-saving scanner assembly, comprising a housing (30) having a substantially vertical source-contact surface (10), a member (21) forming a channel (along (21a) bounded by (21a), (24), and (10)) protruding from the housing (see Fig. 2B), and a flap (40) coupled to the housing (see Fig. 3 and 6), the flap having a source-backing surface (facing (10)) substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the member form an aperture (gap bounded by (40), (10), and (21)- see Fig. 6) for horizontally receiving a source to be scanned without necessitating relative movement between the flap and the housing (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source).

Regarding Claim 32, Onoda teaches (see Fig. 3 and 6) the member having a first end proximal to a front panel (front plane shown in Fig. 6) and a distal end that extends at least to a distal edge of a platen (see Col. 6, lines 1-6).

Regarding Claim 40, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a space-saving scanner assembly, comprising a housing (30) having a substantially vertical source-contact surface (10), a flap (40) coupled to the source-contact surface (see Fig. 3 and 6), the flap having a source-backing surface (facing (10)) substantially parallel to the source-contact surface of the housing (see Fig. 6); and a support member (21) interposed between said housing and said flap and

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extending to a front panel of the housing (see Fig. 3 and 6), wherein the source-contact surface, the source-backing surface, and said support member form an aperture (gap bounded by (40), (10), and (21)- see Fig. 6) for horizontally receiving a source to be scanned without necessitating relative movement between the flap and the housing (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source).

Regarding Claim 41, Onoda teaches a portion of the vertical source-contact surface of the housing comprises a platen (10) to permit scanning of a source document in a vertical position (see Fig. 2B and 3).

Regarding Claim 42, Onoda teaches the platen having an upper edge (top edge in orientation in Fig. 8), an opposing lower edge (bottom edge in orientation in Fig. 8), a front edge (forward edge in orientation in Fig. 8) relatively coexistent with a front panel of the housing and a distal edge (rear edge in orientation in Fig. 8) and wherein said support track member is adjacent to the lower edge of the platen (see orientation of Fig. 2B, 3, 6, and 8).

Regarding Claim 43, Onoda teaches (see Fig. 3 and 6) the member having a distal end that extends at least to the distal edge of a platen (see Col. 6, lines 1-6).

Regarding Claim 55, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a space-saving scanner assembly, comprising means (30) for housing an optical scanning means (U) (see Fig. 7), and means (21, 40, 10) for forming an aperture (between (21a), (40), and (10)- see Fig. 2B and Fig. 6) configured to closely receive a leading edge (vertical edge) (see Fig. 2B) of a source (P)

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transferred horizontally along a plane substantially orthogonal to a front surface of the means for housing (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source), such that the source can be spatially arranged with the optical scanning means without adjusting the aperture (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6), the source being supported along a second edge (edge of (P) contacting (21a) in Fig. 2B) of said source by a support means (21) in the aperture, said support means extending to a front panel of the means for housing (see Fig. 3 and 6), wherein said support means is interposed between a first source-retaining means and said optical scanning means (see Fig. 6).

Regarding Claim 56, Onoda teaches the support means comprising a second source retaining means (24) (see Fig. 2B) substantially parallel to the optical scanning means (see Fig. 3 and 7).

Regarding Claim 59, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a method for saving space on a desktop, comprising providing an optical scanner (U) (see Fig. 7) within a housing (30), the housing having a substantially vertical source-contact surface (10) (see Fig. 8) with a support member (21) protruding from the housing, the support member extending to the exterior of the housing (see Fig. 2B), and providing a flap (40) closely coupled to the source-contact surface (see Fig. 6), the flap, support member, and source-contact surface forming an aperture (between (21a), (40), and (10)- see Fig. 2B and Fig. 6) for receiving a source moved horizontally to be scanned (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since

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the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source).

Regarding Claim 64, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a space-saving scanner assembly, comprising a housing (3) having a substantially vertical source-contact surface (10) comprising a platen (10), a flap (40) coupled to the housing (see Fig. 3 and 6), the flap having a source-backing surface (facing (10))- see Fig. 6) substantially parallel to the source-contact surface of the housing (see Fig. 6), and a support member (21) interposed between the source-contact surface and the source-backing surface proximal to a perimeter segment of the platen (see Fig. 6 and Col. 5, lines 1-6), wherein the source-contact surface, the source-backing surface, and the support member form an aperture (between (21a), (40), and (10))- see Fig. 2B and Fig. 6) for receiving a first edge (vertical edge) (see Fig. 2B) of a source (P) moved horizontally without necessitating relative movement between the flap and the housing (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source) to align a second edge (bottom) of the source with the perimeter segment of the platen (see Fig. 2B).

Regarding Claim 70, Onoda teaches (see Fig. 3 and 6) the member having a first end proximal to a front panel (front plane shown in Fig. 6) and a distal end that extends at least to a distal edge of a platen (see Col. 6, lines 1-6).

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Regarding Claim 75, Onoda teaches (see Fig. 2B, 3, 6, 7, 8) a method for arranging a source in a scanner comprising horizontally inserting (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source) a leading edge (vertical edge) of the source (P) into an aperture (between (21a), (40), and (10)- see Fig. 2B and Fig. 6) formed by a support member (21) interposed between a platen (10) and a flap (40) (see Fig. 3 and 6) such that a surface (facing (10)) of the source having information thereon that is desired to be imaged by the scanner is adjacent to a sensor (U) (see Fig. 7) arranged in a substantially vertical plane (see Fig. 7 and 8), and adjusting the source (see Col. 5, lines 4-6) such that the information desired to be imaged is aligned with the sensor (since the support member is parallel with the length of the scanner).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 9, 15, 19, 27, 45, 58, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda in view of Nagano et al. US Patent No. 6,331,886.

Regarding Claims 3, 9, 19, 27, 45, 58, and 65, Onoda teaches the device and method in the parent claims, according to the above rejection. Regarding Claim 9, Onoda teaches (see Fig.

3 and 6) the member having a first end proximal to a front panel (front plane shown in Fig. 6) and a distal end that extends at least to an edge of a platen (see Col. 6, lines 1-6). Onoda does not teach a front panel of the housing comprising an inclined surface adjacent to the aperture, the inclined surface forming a wider opening at the surface of the front panel. Regarding Claim 58, Onoda also does not teach a second inclined surface associated with the first source retaining means. Nagano et al. teach (see Fig. 13 and 14) a similar device and method with a vertical scanner and horizontally receiving a source (into (203a)) into an aperture (203a), with a front panel (202) of a housing (201) comprising a first inclined surface (left inclined portion of (203) next to (203a)) adjacent to the aperture, the inclined surface forming a wider opening for the aperture at the surface of the front panel (see Fig. 13), with a second inclined surface (right inclined portion of (203) next to (203a)) associated with the first source retaining means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a front panel of the housing comprising a first inclined surface adjacent to the aperture with the inclined surface forming a wider opening for the aperture at the surface of the front panel, and provide the second inclined surface, as taught by Nagano et al. in the device and method of Onoda, to provide easier insertion and removal of sources into the scanner. Since the aperture of Onoda is bounded by the housing on one side and the flap on the other, modifying the device of Onoda with the teachings of Nagano would provide one inclined surface on the housing and the other inclined surface on the flap.

Regarding Claim 15, Onoda in view of Nagano et al. teach the device in the parent claim, according to the above rejection. Onoda does not teach said member coated with a material having a relatively low coefficient of friction. It is well known in the art to use materials with

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relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the member with a material having a relatively low coefficient of friction, in the device of Onoda in view of Nagano et al., to provide easier movement of documents for insertion and removal from the apparatus.

7. Claims 4, 28, 46, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda in view of Minowa JP2000-209408 (hereinafter Minowa '408).

Regarding Claims 4, 28, 46, and 66, Onoda teaches the device and method in the parent claims, according to the above rejection. Onoda does not teach the flap comprising an inclined surface adjacent to the aperture. Minowa '408 teaches (see Fig. 4) a similar device and method with a housing (11), an aperture (S), and a flap (14), wherein the flap comprises an inclined surface (adjacent to (14b)) adjacent to the aperture (see Fig. 4), the inclined surface arranged such that the aperture is larger adjacent to a front edge (top edge of (14) in Fig. 4) of the flap, wherein the front edge is substantially perpendicular to the source backing surface (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the flap with an inclined surface adjacent to the aperture, the inclined surface arranged such that the aperture is larger adjacent to a front edge of the flap, wherein the front edge is substantially perpendicular to the source backing surface, as taught by Minowa '408 in the device and method of Onoda, to facilitate the insertion and removal of the source.

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8. Claims 5, 6, 10-12, 18, 20, 29, 30, 33, 47-51, 57, 67, 68, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda in view of Minowa US Patent No. 6,408,161 (hereinafter Minowa '161).

Regarding Claims 5, 12, 18, 29, 30, 47, 48, 57, 67, and 68, Onoda teaches the device and method in the parent claims, according to the above rejection. Onoda does not teach the flap comprising a slot, wherein the slot is positioned to permit the placement of a relatively short source document on edge on the member such that information to be scanned is aligned with at least a portion of the platen. Minowa '161 teaches (see Fig. 8 and 10) a similar device and method, with a housing (111), a support member (138b), and a flap (130), wherein the flap comprises a slot (in (139)), wherein the slot is positioned to permit the placement of a relatively short source document on edge on the member (see Col. 8, lines 56-58) such that information to be scanned is aligned with at least a portion of the platen (see Col. 8, lines 61-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the flap comprising a slot, wherein the slot is positioned to permit the placement of a relatively short source document on edge on the member such that information to be scanned is aligned with at least a portion of the platen, as taught by Minowa '161 in the device and method of Onoda, to provide additional access to the scanning area without excessive component movement, for increased convenience.

Regarding Claims 6 and 51, Onoda teaches the device and method in the parent claims, according to the above rejection. Onoda does not teach the source-backing surface of the flap comprising a clip arranged to receive a portion of a source document to be scanned. Minowa '161 teaches (see Fig. 8 and 10) a similar device and method, with a housing (111), a support

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member (138b), and a flap (130), wherein the source-backing surface of the flap comprises a clip (138) arranged to receive a portion of a source document to be scanned. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the source-backing surface of the flap with a clip arranged to receive a portion of a source document to be scanned, as taught by Minowa '161 in the device and method of Onoda, to secure the document during scanning for accurate scanning results.

Regarding Claims 10, 11, 33, 49, 50, and 71, Onoda teaches the device and method in the parent claims, according to the above rejection. Onoda does not teach the flap coupled to the housing with at least one post assembly having a plurality of spatially separated detent positions. Minowa '161 teaches (see Fig. 8 and 10) a similar device and method, with a housing (111), a source-contact surface (112), a support member (138b), and a flap (130) with a source-backing surface (facing (112)), wherein the flap is coupled (see Fig. 14) to the housing with at least one post assembly (240) having a plurality (front and back) of spatially separated detent positions and the flap is coupled to the housing with at least one adjustable fastener (139a) for closely contacting the source-backing surface to the vertical source-contact surface (see Col. 8, lines 21-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a post assembly with a plurality of separated detent positions and a flap with an adjustable fastener as taught by Minowa '161 in the device and method of Onoda, to provide easy operation of the flap and prevent the flap from opening during operation of the scanner.

Regarding Claim 20, Onoda teaches the device in Claim 1, according to the above paragraphs. Onoda also teaches horizontally receiving a source to be scanned (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the

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horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner without any movement of the flap or housing for horizontal insertion of the source). Onoda does not teach a slot extending to an edge of the flap. Minowa '161 teaches (see Fig. 8 and 10) a similar device and method, with a housing (111), a support member (138b), and a flap (130), wherein the flap comprises a slot (in (139) extending to an edge (plane edge of (130) contacting (112)) of the flap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a slot in the flap extending to an edge of the flap, as taught by Minowa '161 in the device and method of Onoda, to provide additional access to the scanning area without excessive component movement, for increased convenience.

9. Claims 7, 13, 31, 34, 36, 52-54, 69, 72, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda.

Regarding Claims 7, 13, 31, 34, 52, 53, 69, and 72, Onoda teaches the device and method in the parent claims, according to the above rejection. Regarding Claim 52, Onoda teaches (see Fig. 2B) a second member (43) of the support member. Onoda does not teach a recess configured to receive a portion of the member when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing, or the housing configured to extend the member away from the vertical source-contact surface when an operator adjusts the source backing surface in relation to the vertical source-contact surface of the housing to increase the width of the aperture. It is well known in the art to provide recessed and elongated areas for components in a system, to retract or extend the components according to a desired adjustment.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a recess configured to receive a portion of the member when an operator closely adjusts the source contact surface to the substantially vertical surface of the housing, or the housing configured to extend the member away from the vertical source-contact surface when an operator adjusts the source backing surface in relation to the vertical source-contact surface of the housing to increase the width of the aperture, in the device and method of Onoda, as it has been held that the provision of adjustability, where needed, involves only routine skill in the art. In re Stevens, 101 USPQ 284 (CCPA 1954).

Regarding Claims 36, 54, and 74, Onoda teaches the device and method in the parent claims, according to the above rejection. Onoda does not teach said member coated with a material having a relatively low coefficient of friction. It is well known in the art to use materials with relatively low coefficient of friction to facilitate the insertion and removal of objects into slots- for example, floppy disk drives and paper feeders for printers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the member with a material having a relatively low coefficient of friction, in the device and method of Onoda, to provide easier movement of documents for insertion and removal from the apparatus.

10. Claims 21-25 and 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onoda (in view of Minowa '161 for Claims 21-25), further in view of Minowa '408.

Regarding Claims 21-25 and 60-63, Onoda (and Minowa '161 for Claims 21-25) teach the method in Claims 20 and 59, according to the above paragraphs. Regarding Claim 21,

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Onoda teaches a horizontal edge of the source different from the leading edge is supported along the member (since there is a gap between the flap (40) and the platen (10) as seen in Fig. 6, and since the flap opens in the horizontal direction from the front of the scanner when vertically oriented (see Fig. 3) and therefore the gap is accessible from the front side of the scanner for horizontal insertion of the source). Regarding Claim 22, Onoda teaches spatially arranging the flap and the housing wherein pressure is applied to a non-scan surface (facing the flap) of the source and the scan surface of the source closely contacts the transparent platen portion (see Fig. 2B). Regarding Claims 23 and 63, Onoda teaches enabling the optical scanner to scan the source (see Col. 1, lines 43-45). Regarding Claim 24, Onoda teaches spatially arranging the flap and the housing wherein pressure is removed from the non-scan surface of the source (if the user decides to remove the source by opening the flap as seen in Fig. 3). Regarding Claims 25 and 63, a source is inherently removed from the aperture, as an operator retrieves and keeps the source once the scanning is completed. Onoda does not teach inserting a leading edge of a source to be scanned into the aperture, with inserting accomplished absent relative movement between the flap and the housing. Minowa '408 teaches (see Fig. 4) a similar device and method, with inserting a leading edge of a source (see Fig. 4) to be scanned into an aperture (S), with inserting accomplished absent relative movement between the flap and the housing (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert a leading edge of a source to be scanned into the aperture, with inserting accomplished absent relative movement between the flap and the housing, as taught by Minowa '408, in the method of Onoda (in view of Minowa '161 for Claims 21-25), to provide easier insertion and removal of the source and to reduce the repetitive motions of components of the device for increased durability.

Allowable Subject Matter

11. Claims 37-39 are allowed over the prior art of record.
12. Claims 14, 35, 44, 73, 76, and 77 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and correcting the noted claim objections.

Regarding Claims 14, 35, 37-39, 44, and 73, the invention as claimed, specifically in combination with a member supporting an edge of a source, wherein the width of the member varies over the length of the member, is not disclosed or made obvious by the prior art of record.

Regarding Claims 76 and 77, the invention as claimed, specifically in combination with inserting a plug into a slot formed in the flap and scanning the information on a surface of a source, is not disclosed or made obvious by the prior art of record.

Response to Arguments

13. Applicant's arguments with respect to claims 1-34, 36, 45-58, 64-72, and 74 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's arguments on the Onoda reference, Applicant argues that Onoda does not teach the support member forming an aperture for horizontally receiving a source to be scanned without necessitating relative movement between the flap and the housing. Examiner asserts that Onoda teaches the support member as claimed, and the aperture, as seen in Fig. 6 of

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Onoda (the gap between (40) and (10) provides an opening for horizontally receiving a source to be scanned (with the device in its vertical orientation, since Fig. 6 shows a front view of the device) without necessitating relative movement between the flap and the housing (since the gap between (40) and (10) exists on the front of the device (since Fig. 6 is a front view), an operator is able to insert a sheet of paper into the gap, thereby providing the aperture receiving the source. Accordingly, Claims 40-43, 59, and 75 remain rejected under 35 U.S.C. 102(e).

Regarding Applicant's arguments in the appeal brief that Claim 15 is improper, as Claim 15 was previously rejected under 35 U.S.C. 103(a) over Onoda, and the parent Claim 9 was rejected using a combination of Onoda and Nagano, Examiner has modified the Final Rejection such that Claim 15 is presently rejected under 35 U.S.C. 103(a) over Onoda in view of Nagano. Hence, this rejection is now proper.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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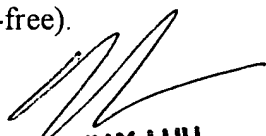
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571)272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PATENT EXAMINER